

Petitioner's Response to
Staff Counsel's Motion to Dismiss

Petitioner's Exhibit 12

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

NEW LANDING UTILITY, INC.)
)
Application for an Order)
authorizing the issuance of)
Three Hundred Thousand Dollars)
(\$300,000.00) of its Common)
Stock and certain long-term debt)
securities, approving a first)
mortgage, approving an agreement)
to repay advances in aid of)
construction, and determining)
the original cost of certain)
utility facilities and property.)

No. 79-0675

APPLICATION

To: The Illinois Commerce Commission:

NEW LANDING UTILITY INC. ("Applicant") respectfully
represents as follows:

1. Applicant is a corporation duly organized and existing under and by virtue of the laws of the State of Illinois, duly authorized to engage in the business of providing water service and sewer service in that certain area of Ogle County, Illinois, commonly known as New Landing for the Delta Queen, a recreational land development, and is a public utility within the meaning of Section 10 of an Act, now in force in Illinois, entitled "An Act concerning public utilities", as amended ("the Act").
2. Applicant has outstanding 1,000 shares of its common stock, no par value, stated value: \$600,000.00 (as authorized in Ill. C.C. No. 59717).
3. Applicant seeks authority to issue and sell not to exceed 500 shares of its common stock, no par value, for a consideration equal in value to \$300,000.00 and, if such authority is granted, proposes to issue said 500 shares of its common stock and to sell the same for consideration equal in value to \$300,000.00 and apply the proceeds thereof,

sale by Applicant of 500 shares of its common stock, no par value, for consideration equal in value to \$300,000.00, (2) the issuance and delivery by Applicant of its Note as hereinabove described to the aggregate principal amount of not more than \$300,000.00, (3) the first mortgage attached hereto as Exhibit "B", (4) the agreement for repayment of advances in aid of construction attached hereto as Exhibit "C" and (5) the application of the proceeds of the issuance and sale of said common stock, and the issuance and delivery of said Note to the purposes hereinabove set forth; and further

C. That this Commission by order entered herein (1) determine that the original cost of Applicant's water and sewer utility plant, property and/or rights as of December 31, 1978, is no less than \$1,712,505.00 and that the accumulated provision for depreciation related thereto as of that date is \$130,713.00, and (2) direct Applicant to record the exact amount as determined herein on its books as of said date and to make appropriate journal entries to reflect and classify said amount in the manner required by General Order 183.

D. That this Commission grant Applicant such other, further or different relief as may be appropriate or necessary.

Dated this 27th day of November, 1979.

NEW LANDING UTILITY, INC.

By: /s/ J. Michael Samway
J. Michael Samway, President

GENE L. ARMSTRONG
Attorney for Applicant
461 N. Harlem Avenue
Oak Park, IL 60301

(312) 386-8555